

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST  
REPUBLIC OF SRI LANKA**

CA Writ No. 123/16

Tilan Gunesh Amarasinghe,  
C/o. G.V. Somapala,  
"Sandamali" ,  
Halpandeniya,  
Mirissa.

**Petitioner**

**Vs.**

01. Navy Commander,  
Vice Admiral RC. Wijayagunaratne,  
NRX 0176,  
Navy Headquarters,  
P.O. Box 593,  
Colombo 01.

And 15 others

**Respondents**

**CA 123/2016**

**WRIT APPLICATION**

Before : **Vijith K. Malalgoda, P.C.J. &  
S. Thurairaja, P.C.J.**

Counsel : Udaya Bandara for the Petitioner  
Milinda Goonetilake, SDSG for AG

Decided on : 05.05.2017

**Vijith K. Malalgoda, P.C.J.**

Heard learned counsel for the petitioner in support of this application and also the learned Senior DSG representing the respondents.

The learned Senior DSG for the Respondent at the outset brought to the notice of court that His Excellency the President has refused to grant any relief with regard to the appeal submitted by the petitioner before His Excellency the President against the sentence imposed on him. We further observe that the petitioner who has come before this court challenging the decision of the 2<sup>nd</sup> inquiry which was appointed to inquire into the allegations against him, has pleaded guilty and has failed to challenge the appointment as submitted in the papers before this court.

In this regard learned Senior DSG submits that the plea of guilt recorded by the inquiry board has been suppressed by the petitioner and in support of his position learned Senior DSG submits the said papers before court.

When considering the fact that the petitioner has failed to challenge the appointment of the 2<sup>nd</sup> inquiry board and the fact that he has pleaded before the said inquiry board are matters to be considered in the present application.

When considering all these matters, we see no merit in the application filed by the petitioner and therefore we are not inclined to issue notices.

Application is accordingly dismissed. No cost is ordered.

The learned Senior DSG undertakes to file a copy of proceedings of the inquiry dated 31.12.2014 along with a motion.

**PRESIDENT OF THE COURT OF APPEAL**

**S.Thurairaja, P.C.J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

LA/-